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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,509	08/25/2003	David H. Hanes	100201378-1	5788

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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06/13/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Office Action Summary	Application No. 10/649,509	Applicant(s) HANES ET AL.	
	Examiner MISHAWN DUNN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/7/2008 have been fully considered but they are not persuasive.

Applicant argues that Yoshio et al. does not "appear to disclose" that the validator is adapted to access index data corresponding to video data and validate the index data after editing of the video data as recited in claim 1.

The examiner respectfully disagrees. Yoshio et al. teaches the validation of an index display after editing by a user/editor (col. 7, lines 34-44). Claim 1 does not disclose editing of the video data, just the validation of the video data. The user (validator) has the ability to access the index data and validate it post-editing. Therefore, claim 1 stands rejected.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-10, 13, 15-17, 20-22, 24, 26-29, and 31 rejected under 35

U.S.C. 102(b) as being anticipate by Yoshio et al. (US Pat. No. 6,310,625).

4. Consider claim 1. Yoshio et al. teaches an index validation system, comprising: a processor; and a validator accessible by the processor, the validator adapted to access

index data corresponding to video data and validate the index data after editing of the video data (col. 7, lines 34-44).

5. Consider claim 5. Yoshio et al. teaches the system of claim 1, wherein the validator is adapted to obtain image data for a frame of the video data identified by the index data before editing of the video data (col. 7, lines 34-44).

6. Consider claim 6. Yoshio et al. teaches the system of claim 1, wherein the validator is adapted to obtain image data for a frame of the video data identified by the index data after editing of the video data (col. 7, lines 34-44).

7. Consider claim 7. Yoshio et al. teaches the system of claim 1, wherein the validator is adapted to compare image data for a frame of the video data identified by index data before editing with a corresponding frame of the video data after editing of the video data (col. 7, lines 34-44).

8. Consider claim 8. Yoshio et al. teaches the system of claim 1, wherein the validator is adapted to determine a frame frequency for the video data corresponding to the index data before editing of the video data (col. 7, lines 34-44).

9. Consider claim 9. Yoshio et al. teaches the system of claim 1, wherein the validator is adapted to determine a frame frequency for the video data corresponding to the index data after editing of the video data (col. 7, lines 34-44).

10. Consider claim 10. Yoshio et al. teaches the system of claim 1, wherein the validator is adapted to compare a frame frequency for the video data before editing with a frame frequency for the video data after editing, the frame frequencies corresponding to the index data (col. 7, lines 34-44).

11. Claims 13, 15-17, 20-22, 24, 26-29, and 31 are rejected using similar reasoning as the corresponding claims above.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2-4, 14, 18, 19, 25, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshio et al. (US Pat. No. 6,310,625) in view of Liou et al. (US Pat. No. 6,278,446).

14. Consider claim 2. Yoshio et al. teaches all claimed limitations as stated above, except wherein the validator is adapted to determine an indexing scheme for the video data.

However, Liou et al. teaches wherein the validator is adapted to determine an indexing scheme for the video data (col. 4, lines 55-65).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to determine an indexing scheme for the video data, in order to facilitate browsing.

15. Consider claim 3. Yoshio et al. teaches all claimed limitations as stated above, except wherein the validator is adapted to determine whether the index data defines a time-based indexing scheme for the video data.

However, Liou et al. teaches wherein the validator is adapted to determine whether the index data defines a time-based indexing scheme for the video data (col. 7, lines 41-51).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to determine whether the index data defines a time-based indexing scheme for the video data, in order to facilitate browsing.

16. Consider claim 4. Yoshio et al. teaches all claimed limitations as stated above, except wherein the validator is adapted to determine whether the index data defines a scene-based indexing scheme for the video data.

However, Liou et al. teaches wherein the validator is adapted to determine whether the index data defines a scene-based indexing scheme for the video data (col. 7, lines 41-51).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to determine whether the index data defines a scene-based indexing scheme for the video data, in order to facilitate browsing.

17. Claims 14, 18, 19, 25, 30, and 32 are rejected using similar reasoning as the corresponding claims above.

18. Claims 11, 12, 23, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshio et al. (US Pat. No. 6,310,625) in view of Hinson et al. (US Pat. No. 6,144,391).

19. Consider claim 11. Yoshio et al. teaches all claimed limitations as stated above, except wherein the validator is adapted to initiate re-indexing of at least a portion of the video data in response to determining that at least a portion of the index data is invalid for the video data after editing.

However, Hinson et al. teaches wherein the validator is adapted to initiate re-indexing of at least a portion of the video data in response to determining that at least a portion of the index data is invalid for the video data after editing (col. 15, lines 5-8).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to re-index the video data in response to determining an invalid portion, in order to efficiently combine the clips.

20. Claims 12, 23 and 33 are rejected using similar reasoning as the corresponding claim above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2621
June 8, 2008
/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621